

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marasco et al.

Application No.: 08/199,070 Group No.: 1819  
 Filed: February 22, 1994 Examiner: Campell, B.  
 For: NUCLEIC ACID DELIVERY SYSTEM, METHOD OF SYNTHESIS AND USES THEREOF



**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

**PETITION AND FEE FOR EXTENSION OF TIME (37 CFR 1.136(a))**

1. This is a petition for an extension of the time for a total period of 4 months to

File an Appeal Brief

(indicate matter being extended)

**NOTE:** "Extensions of Time in Patent Cases (Supplement Amendments)—If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

**NOTE:** See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

2. A response in connection with the matter for which this extension is requested:

is filed herewith.  
 has been filed.

**COPY**

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office.

Barbara Ann Shea  
 Signature

Barbara Ann Shea

(type or print name of person certifying)

Date: 3/24/97

(complete the following, if applicable)

NOTE: The PTO accepts the filing of a continuing application as a response under 37 CFR 1.136 and 1.137. To facilitate processing in such a case, the petition for extension of time should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, 1031 O.G. 11-12.

The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application.

3. Applicant is

a small entity. A verified statement:

is attached.  
 was already filed.  
 other than a small entity.

4. Calculation of extension fee (37 CFR 1.17(a)–(d)):

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$ 195.00
<input type="checkbox"/> three months	\$ 930.00	\$ 465.00
<input type="checkbox"/> four months	\$1,470.00	\$ 735.00
		Fee \$ <u>735.00</u>

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 735.00

5. Extended period for response

Based on the extension requested in this petition (and that for which a previous petition has been filed, if any), the extended period for response will expire on 3/23/97.

Date

## 6. Fee Payment

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986; 1065 O.G. 31-33.

Attached is a check in the sum of \$ \_\_\_\_\_

Charge Account 04-1105 for any additional extension and/or fee required or credit for any excess fee paid.

Charge fee to Account No. \_\_\_\_\_ This is a request to charge for any additional extension and/or fee required or credit for any excess fee paid.

A duplicate copy of this petition is attached.



SIGNATURE OF ATTORNEY

Reg. No.: 30,628

Tel. No.: ( 617 ) 523-3400

Ronald I. Eisenstein

(type or print name of attorney)

DIKE BRONSTEIN ROBERTS & CUSHMAN, LLP  
130 Water Street

P.O. Address

Boston, MA 02109